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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Rajasekharan et al.

Confirmation No.: 7385

Serial No.: 09/987,597

Art Unit: 2876

Filed: November 15, 2001

Examiner: K. Koyama

For: SYSTEM AND METHOD FOR
AUTHORING AND PROVIDING
INFORMATION RELEVANT TO
THE PHYSICAL WORLDAttorney Docket No.: Ajit-1
033393.0003

PETITION UNDER 37 CFR § 1.182

Office of Petitions
 Assistant Commissioner for Patents
 Washington, D.C. 20231

Dear Sir:

The undersigned petitioner has been omitted from the above captioned application having the Serial No. 09/987,597 (the "597" application) as a named inventor. In accordance with MPEP § 402.10 and 37 CFR § 1.182, the petitioner, Rozsa Kovesdi, hereby petitions that she be allowed to participate in the prosecution of this application because she is a co-inventor of the claims of the present application, which was published as US 2003/0024975 A1 on February 6, 2003.

I. The relevant facts are as follows:

1. The '597 application claims priority to United States Provisional Application No. 60/306,356 (the "'356 application"), which provisional application names Mr. Ajit Rajasekharan, and the petitioner Kovesdi as co-inventors.
2. United States non-provisional application No. 10/035,952 (the "'952 application") also claims priority of the provisional '356 application.
3. The '952 application has claims substantially identical to the claims of the '597 application.
4. The '952 application names petitioner Kovesdi and Mr. Rajasekharan as the inventors.

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5. In the '952 application Mr. Rajasekharan executed a declaration attesting to the fact that petitioner Kovesdi was part of the inventive entity.
6. The '952 application is subject to a decision requiring that the petitioner Kovesdi's attorneys be the corresponding attorneys.
7. The abovementioned decision in the '952 application also requires that all papers be signed by representatives of both petitioner Kovesdi and Mr. Rajasekharan.
8. Although the '952 application and the '597 application have similar disclosures and claims, petitioner Kovesdi is not a named inventor in the '597 application and has been prevented from participating in the prosecution of the '597 application by Mr. Rajasekharan and his attorneys.

II. In view of the above recited facts, this petition requests a decision to:

1. correct the inventorship in the '597 application to include petitioner Kovesdi, as requested in the accompanying request confirming to 37 CFR § 1.48(a) ;
2. accept the attached Power of Attorney in the '597 application;
3. require that all papers filed in the '597 application be signed by representatives of both petitioner Kovesdi and Mr. Rajasekharan;
4. stay, as an alternative to item I.2 above, the proceedings in the prosecution of the '597 application pending adjudication of the present petition;
5. appoint petitioner Kovesdi's representative as the corresponding attorneys in the '597 application; and
6. direct that while this petition is being adjudicated, a copy of all correspondence in the prosecution of the '597 application be also sent to the petitioner's attorneys, Pennie and Edmonds, LLP (PTO Customer No. 20583).

III. This petition is accompanied by the following documents:

1. a Declaration and Power of Attorney appointing representatives of petitioner Kovesdi to represent her in the prosecution of the '597 application;
2. a copy of the Declaration and Power of Attorney executed by Mr. Rajasekharan, the sole named inventor of the present application, verifying that

petitioner Kovesdi is a co-inventor of the substantially identical invention of the '952 application;

3. a copy of a petition under 37 CFR § 1.182, which was granted by the Office of Petitions, submitted by Mr. Rajasekharan clarifying that failure to name petitioner Kovesdi as a joint inventor in a previous declaration submitted in the '952 application was an unintentional error;
4. a copy of the decision of the Office of Petitions granting the petition under 37 CFR § 1.182 by Mr. Rajasekharan, mentioned in item III.3 above, in the '952 application;
5. a copy of the '952 application, which has a disclosure substantially identical to that of the '597 application and names both petitioner Kovesdi and Mr. Rajasekharan as co-inventors;
6. a copy of the published '597 application;
7. a timely request conforming to 37 CFR § 1.48(a) to correct the inventorship in the '597 application by adding Ms. Rozsa Kovesdi as a co-inventor;
8. a statement by Ms. Rozsa Kovesdi verifying that the error in providing the correct inventorship in the present case arose without deceptive intent on her part; and
9. an authorization for charging any required fees to Pennie & Edmonds LLP's Deposit Account No. 16-1150.

In view of the omission of the petitioner from the inventive entity of the above-captioned application and the refusal of Mr. Rajasekharan's attorneys to provide access to this application, it is necessary that petitioner Kovesdi be represented by separate counsel. Accordingly, acceptance of the power of attorney enclosed herewith will allow petitioner Kovesdi or her representatives to participate in the prosecution of this application in accordance with the requested relief.

The requested relief is similar to that already granted in the '952 application as is readily verified from the enclosed copy of the decision. Since the '952 application naming both petitioner Kovesdi and Mr. Ajit Rajasekharan as co-inventors, is subject to a decision mailed on September 17, 2002, requiring that: (a) the petitioner's attorneys be the corresponding attorneys; and (b) all papers be signed by representatives of both petitioner

Kovesdi and Mr. Rajasekharan, it is respectfully requested in the interest of equity and economy that a similar order be entered in the above captioned case.

Such an order is also justified in the above captioned application in view of the fact that Mr. Ajit Rajashekharan, the sole named inventor of the present application, has already verified under oath in a declaration in the '952 application that the inventive entity of substantially identical claims includes Petitioner Rozsa Kovesdi. Mr. Rajasekharan further clarified in a petition under 37 CFR § 1.182 submitted in the '952 application (copy enclosed) that a previous failure to name petitioner Kovesdi as an inventor in the '952 application was an unintentional error. Nevertheless, Mr. Rajasekharan and his representatives have failed to take any corrective steps in the substantially identical '597 case.

Moreover, having the attorneys of petitioner Kovesdi as the corresponding attorneys would promote economy and fairness in the prosecution of the two substantially identical applications. A copy of this submission is being served on the representatives of Mr. Rajasekharan as provided in 37 CFR § 1.248.

For the above mentioned reasons, favorable consideration of this petition is urgently requested to avoid irreparable harm to the rights of petitioner Kovesdi.

The undersigned further declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.

Respectfully submitted,

Date: 3/27, 2003

By: Rozsa Kovesdi